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Walden
Sept. 2, 2003

PATENT
Docket No. 549222000101

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Anthony Soljanich

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

John O. RYAN

Serial No.: 08/977,846

Filing Date: November 25, 1997

For: METHOD AND SYSTEM FOR
INFORMATION DISSEMINATION
WITH USER MENU INTERFACE

Examiner: T.A. Dixon

Group Art Unit: 3629

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GROUP 3600

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MAIL STOP APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith if they were not already cited in this case. The Examiner is requested to make these documents of record.

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Applicant would like to bring to the attention of the Examiner that the documents listed on the attached Form PTO-1449 were cited by Sony Electronics Inc. as being allegedly relevant to commonly owned U.S. Patent Nos. 5,590,195 and 6,330,334 to which the present application has a common priority claim, in the following action in the U.S. District Court, Northern District of California, San Francisco Division: *Command Audio Corporation v. Sony Electronics Inc.* (Civil Action No. C-02-0599 (MJJ)) see "Sony Electronic Inc.'s Final Invalidity Contentions", a copy of which is also enclosed although it is not prior art. This particular document is listed on the attached Form PTO-1449, as Ref. No. 40.

Additionally, for convenience all documents cited in that "Sony Electronic Inc.'s Final Invalidity Contentions" are listed on the attached Form PTO-1449 even though some of these were already cited in this case. Those cited earlier were Ref. Nos. 1, 2, 3, 4, 5, 7, 9, 11 and 12. Copies of these earlier cited references are not enclosed.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.

This case has been appealed but there was no final office action, thereby this IDS is timely filed under 37 C.F.R. § 1.97(c)(2). Note that MPEP § 609 at p. 600-123 indicates that merely filing an appeal does not close prosecution under 37 C.F.R. § 1.97(c).

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the documents have been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited documents constitute prior art to the subject invention.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this paper to Deposit Account No. 03-1952 referencing docket no. 549222000101.

Dated: August 14, 2003

Respectfully submitted,

By: Norman R. Klivans, Jr.
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